

Calendar No. 141

112TH CONGRESS }
1st Session }

SENATE

{ REPORT
112-61

CONVEYANCE OF LAND TO THE TOWN OF ALTA, UTAH

AUGUST 30 (legislative day, AUGUST 2), 2011.—Ordered to be printed

Filed under authority of the order of the Senate of August 2, 2011

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 684]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 684) to provide for the conveyance of certain parcels of land to the town of Alta, Utah, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, strike line 15 and insert the following:
 - (b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the
 2. On page 2, strike line 20 and insert the following:
 - (c) SURVEY; COSTS.—
 3. On page 3, strike lines 4 and 5 and insert the following:
 - (3) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

PURPOSE

The purpose of S. 684 is to provide for the conveyance of up to two acres of National Forest System land to the town of Alta, Utah, for continued use by the town for certain public purposes.

BACKGROUND AND NEED

The town of Alta, Utah, (hereinafter “Town”) is home to a permanent population of 370 people and a popular ski area. The Town does not own any land within its municipality, and much of its municipal infrastructure is located on National Forest System land in the Wasatch-Cache National Forest pursuant to—as the Department of Agriculture describes it—“a complex suite of existing special use permits.”

The Town’s administration building and public service building were constructed pursuant to a non-assignable special use permit (SLC102708) authorizing buildings for the Town’s emergency operations center, marshal’s office, central dispatch, community center, emergency equipment storage, and library, for example. A water service building was constructed pursuant to another non-assignable special use permit (SLC102707) to house municipal water infrastructure. S. 684 would provide for the conveyance of the Federal land under three municipal buildings to the Town to provide it with greater certainty and flexibility in the maintenance and continued use of those buildings for the purposes specified in the special use permits.

LEGISLATIVE HISTORY

S. 684 was introduced by Senator Lee on March 30, 2011. The Subcommittee on Public Lands and Forests held a hearing on S. 684 on May 18, 2011 (S. Hrg. 112–39). At its business meeting on July 14, 2011, the Committee on Energy and Natural Resources ordered S. 684 favorably reported with amendments. The Committee reported a similar bill, S. 1719, in the 111th Congress (S. Rept. 111–259).

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 14, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 684, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 684, the Committee adopted amendments that clarify that the direction to the Secretary to convey the Federal land is contingent on the Town submitting a prior request for the conveyance, that require the town to pay the administrative costs associated with the conveyance, and that make a conforming change to the bill.

SECTION-BY-SECTION ANALYSIS

Section 1(a) defines a number of terms used in the bill, including “Federal land”, which includes references to the three parcels of National Forest System land to be conveyed to the Town and the applicable special use permit authorization identification numbers for each.

Subsection (b) directs the Secretary of Agriculture to convey the Federal land to the Town for no consideration if the Town requests the conveyance.

Subsection (c) directs the Secretary to survey each of the parcels to be conveyed and requires the Town to pay the administrative costs associated with the exchange. The bill leaves the determination of the exact boundaries of each of the parcels to be conveyed under and immediately around the three buildings to the Secretary's discretion, except that they may not exceed a total of two acres.

Subsection (d) conditions the exchange on a requirement that the Town use each parcel of land only for public purposes consistent with those listed in the applicable special use permit, and subsection (e) provides for the land to revert to the United States if the Town uses a parcel for some other purpose.

Subsection (f) provides that the conveyance shall be subject to any additional terms and conditions that the Secretary may require.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 684—A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah

S. 684 would direct the Secretary of Agriculture to convey, without consideration, certain lands in Utah to the town of Alta. Based on information from the Forest Service, CBO estimates that enacting the legislation would have no significant impact on the federal budget. CBO expects that enacting the legislation would increase direct spending; therefore, pay-as-you-go procedures apply. We estimate, however, that such effects would be negligible. Enacting the legislation would not affect revenues.

Under current law, the Forest Service receives payments totaling less than \$20,000 per year for easements on the affected lands. Under the bill, those lands would be conveyed to Alta, Utah. Thus, CBO estimates that enacting the legislation would reduce offsetting receipts (a credit against direct spending) by less than \$200,000 over the 2012–2021 period. Because the bill would require the town to pay the administrative costs associated with the land conveyance, CBO estimates that implementing the bill would not have a significant impact on spending subject to appropriation.

S. 684 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 684.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 684, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 684, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Forest Service at the May 18, 2011, hearing on S. 684 follows.

STATEMENT OF MARY WAGNER, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the United States Forest Service.

Thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah. S. 684 would direct the Secretary of Agriculture to convey, without consideration, certain parcels of National Forest System (NFS) land comprising approximately two acres located in the Uinta-Wasatch-Cache National Forest to the Town of Alta, Utah, for public purposes. While supportive of the Town's desire to consolidate its municipal resources, the Department does not support S. 684.

The Forest Service can convey the parcel under current authorities through the Townsite Act of July 31, 1958 (16 U.S.C. 478a). The Townsite Act authorizes communities to acquire up to 640 acres of NFS land in order to serve community objectives, and requires payment to the United States of the market value of the federal land. Similarly, the lands could be made available by exchange for equal value consideration.

It is long standing policy that the United States receive market value for the sale, exchange, or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of the Federal Land Policy and Management Act (43 U.S.C. 1701), as well as numerous land exchange authorities. Based on recent land sales in the Alta area, we estimate the value of the lands proposed to be conveyed under S. 684 to be approximately \$500,000 per acre.

Finally, S. 684 would require the Town of Alta to cover the Federal land survey costs associated with the proposed conveyance. It also should provide that the Town should bear other administrative costs associated with the conveyance.

Although the Department does not support S. 684 as written, we are willing to work with the bill sponsors, the

Town of Alta, and the Committee, in hopes of assisting the Town in achieving its desired consolidation of municipal resources.

The Department of Justice also advises that the bill raises a constitutional concern. In order to address this concern the Department of Justice recommends that the bill be revised to make absolutely clear that the town would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding “and subject to the Town’s agreement” after “the Secretary shall convey to the Town,” in section 2(b) of the bill.

This concludes my statement and I would be happy to answer any questions you might have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 684, as ordered reported.

